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Law Offices
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090-1497

EXAMINER

PEREZ DAPLE, AARON C

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,163

Applicant(s)

YUZAWA, KEIJI

Examiner

Aaron C. Perez-Daple

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/10/05.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Action is in response to RCE filed 6/15/05, which has been fully considered.
2. Amended claims 25-44 are presented for examination.
3. Claims 1-24 are cancelled by Applicant.
4. This Action is non-Final.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 25-44** are rejected under 35 U.S.C. 103(a) as being obvious over Bedard (US 5,801,747) in view of Alexander (US 6,177,931 B 1) (hereinafter Alexander).
7. As for claims 25 and 35, Bedard teaches an information processing system and method, comprising:
 - providing a user terminal (col. 3, lines 4-6);
 - transmitting information items to said user terminal, at least some of said transmitted items containing content information (col. 3, lines 10-13);
 - selecting some of said transmitted items containing content information on the basis of information representing an access priority for each of said selected items (col. 3, lines 32-62);

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selectively storing said selected items in said user terminal (col. 2, lines 23-26; col. 3, lines 38-45);

arranging said stored items of information in an order according to said access priorities (col. 6, lines 23-27); and

wherein said access priorities of said selected items are determined by at least one of first processing or second processing,

said first processing including associating with each said information items category attribute information corresponding to a category assigned to the content information contained in each said information item, said category being one of a plurality of categories, ii) transmitting said category attribute information associated with each said transmitted item, iii) using said transmitted category attribute information at said user terminal, counting a number of times said transmitted items in each said category are accessed by a user to obtain count values of said plurality of categories, and iv) determining said access priorities from said count values (col. 4, lines 49-65; col. 7, lines 19-27); and

said second processing including associating with each of said information items priority attribute information corresponding to a priority assigned to the content information contained in each said information item, said priority being one of a plurality priorities, transmitting said priority attribute information associated with each said transmitted item, and using said transmitted priority attribute information at said user terminal to determine said access priority for each said selected item (col. 3, lines 33-56).

Although obvious to one of ordinary skill in the art, Bedard does not explicitly teach storing content information including at least one of moving images or audio sound nor that

the selected item may be reproduced at a user-selected time. Alexander teaches storing (recording) content information including moving images and audio sound and reproducing the content at a user-selected time for the purpose of viewing recorded content at a time convenient to the user (col. 12, lines 11-43). Alexander further teaches indexing the recorded content in a manner similar to Bedard for the purpose of providing convenient user selection (col. 12, lines 22-44). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bedard by storing content information including at least one of moving images or sound and reproducing the content at a user-selected time in order to provide for convenient access to recorded content, as taught by Alexander above. In particular, the methods of Bedard would provide a means for organizing the stored and indexed content in a manner which is aligned with the viewer's preferences (see Bedard, col. 2, lines 6-12).

8. As for claims 30 and 40, Bedard teaches an information receiving apparatus, comprising:
a controller operable to select some items containing content information from
information items transmitted to said information receiving apparatus, said selected items
being selected on a basis of information representing access priorities for respective ones of
said selected items (col. 3, lines 32-62); and

an information storing unit operable to selectively store said selected items (col. 2, lines 23-26; col. 3, lines 38-45), wherein said controller is further operable to determine said access priorities of said selected items by at least one of first processing or second processing, and to delete at least one of said stored items in an order beginning with said stored item having a lowest one of said access priorities (col. 5, lines 16-33, Fig. 3),

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said first processing including i) associating with each of said information items category attribute information corresponding to a category assigned to the content information contained in each said information item, said category being one of a plurality of categories, ii) transmitting said category attribute information associated with each said transmitted item, iii) using said transmitted category attribute information at said user terminal, counting a number of times said transmitted items in each said category are accessed by a user to obtain count values of said plurality of categories, and iv) determining said access priorities from said count values (col. 4, lines 49-65; col. 7, lines 19-27); and

said second processing including i) associating with each of said information items priority attribute information corresponding to a priority assigned to the content information contained in each said information item, said priority being one of a plurality of priorities, ii) transmitting said priority attribute information associated with each said transmitted item, and iii) using said transmitted priority attribute information at said user terminal to determine said access priority for each said selected item (col. 3, lines 33-56),

said controller being further operable to permit a user to select one of said stored items containing content information and to cause said at least one of moving images or audio sound to be reproduced from said user-selected item (col. 1, lines 39-50).

Although obvious to one of ordinary skill in the art, Bedard does not explicitly teach storing content information including at least one of moving images or audio sound nor that the selected item may be reproduced at a user-selected time. Alexander teaches storing (recording) content information including moving images and audio sound and reproducing the content at a user-selected time for the purpose of viewing recorded content at a time

convenient to the user (col. 12, lines 11-43). Alexander further teaches indexing the recorded content in a manner similar to Bedard for the purpose of providing convenient user selection (col. 12, lines 22-44). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bedard by storing content information including at least one of moving images or sound and reproducing the content at a user-selected time in order to provide for convenient access to recorded content, as taught by Alexander above. In particular, the methods of Bedard would provide a means for organizing the stored and indexed content in a manner which is aligned with the viewer's preferences (see Bedard, col. 2, lines 6-12).

9. As for claims 26, 31, 36, and 41, Bedard teaches the information processing method as claimed in claim 25, wherein said access priority of each said selected item is determined by said first processing (col. 4, lines 49-65; col. 7, lines 19-27).
10. As for claims 27, 32, 37, and 42, Bedard teaches the information processing method as claimed in claim 25, wherein said access priority of each said selected item is determined by said second processing (col. 3, lines 33-56).
11. As for claim 28, 33, 38, and 43, Bedard teaches the information processing method as claimed in claim 25, wherein said access priority of each said selected item determined by said first processing and said second processing.
12. As for claims 29, 34, 39, and 44, Bedard teaches the information processing method as claimed in claim 25, further comprising determining an access tendency of the user from said count values of said plurality of categories and determining said access priorities from said access tendency (col. 4, lines 49-65; col. 7, lines 19-27).

Response to Arguments

13. Applicant's arguments filed 6/15/05 have been fully considered but they are not persuasive. In particular, Applicant asserts that neither Bedard nor Alexander teach or suggest storing the actual content containing items, which include either moving images or audio sound, and playing the stored items at a user-selected time. The Examiner respectfully disagrees. Although Bedard does not teach these features, Alexander does teach storing recorded video content, which includes both moving images and audio sound, indexing the content, and playing the content back at a user-selected time (col. 12, lines 11-43). The Examiner notes that the methods of Bedard would be directly applicable to an index of stored content for organizing the content in a manner which is aligned with the viewer's preferences. For a detailed response, see the 103 rejection above.

Although not relied upon for the rejection, the Examiner also notes that in col. 8, lines 51-63, Bedard suggests downloading, storing, and indexing content information from the internet. A similar method of internet downloading is also disclosed by Alexander in col. 8, lines 19-35. Such downloaded content could obviously include both video and audio sound, as understood by one of ordinary skill in the art.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 6,842,604 B1, note local storage of content information, Fig. 5;

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US 6,526,411 B1, note the local storage of content information with dynamic priority assignment;

US 6,248,946 B1, note abstract.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron C. Perez-Daple whose telephone number is (571) 272-3974. The examiner can normally be reached on 9am-5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



8/2/05

Aaron Perez-Daple



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100